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05 UNITED STATES DISTRICT COURT
06 WESTERN DISTRICT OF WASHINGTON
AT SEATTLE

07 UNITED STATES OF AMERICA,)
08 Plaintiff,) Case No. CR02-0063-MJP-JPD
09 v.) SUMMARY REPORT OF U.S.
10 JEFFREY NOLAND,) MAGISTRATE JUDGE AS TO
11 Defendant.) ALLEGED VIOLATIONS
OF SUPERVISED RELEASE
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13 An evidentiary hearing on a petition for violation of supervised release in this case
14 was scheduled before the undersigned Magistrate Judge on June 4, 2007. The United States
15 was represented by Assistant United States Attorney Susan Roe, and the defendant by Mr.
16 James Vonasch. The proceedings were recorded on cassette tape.

17 The defendant had been charged and convicted of Conspiracy to Distribute and
18 Distribution of Cocaine Base. On or about September 27, 2002, defendant was sentenced by
19 the Honorable Marsha J. Pechman to a term of sixty (60) months in custody, to be followed
20 by five (5) years of supervised release.

21 The conditions of supervised release included the requirements that the defendant
22 comply with all local, state, and federal laws, and with the standard conditions. Special
23 conditions imposed included, but were not limited to, substance-abuse treatment
24 participation, consent to search and seizure, and financial disclosure.

25 In a Petition for Warrant or Summons, dated September 21, 2006, U.S. Probation
26 Officer Brian Rogers asserted the following violations by defendant of the conditions of his

01 supervised release:

02 (1) Using cocaine on or about September 7, 2006, in violation of standard
03 condition number 7, and the mandatory condition that he refrain from any unlawful use of a
04 controlled substance.

05 (2) Failing to report to the probation officer on September 11, 2006, at 9:00 a.m.,
06 in violation of standard condition number 2, that he report to the probation officer as
07 directed.

08 (3) Failing to notify the probation office that he quit his job at Pioneer Industries
09 on September 11, 2006, in violation of standard condition number 6, that he notify the
10 probation officer at least 10 days prior to a change in employment.

11 (4) Moving from 1727 Belmont Avenue, Apt. 17B, Seattle, Washington, on or
12 about September 13, 2006, in violation of standard condition number 6, that he notify the
13 probation officer at least 10 days before a change in residence.

14 (5) Failing to submit a urine sample as directed on September 18, 2006, in
15 violation of special condition number 3, that he submit to testing as directed by the probation
16 office.

17 On May 17, 2007, U.S. Probation Officer Brian Rogers submitted a Supplemental
18 Violation report to incorporate the following violations number 6 and number 7, with the
19 previously reported violations of September 21, 2006:

20 (6) Committing the Crime of Delivery of an Illegal Substance for Value, in
21 violation of Lummi Code of Laws, Section 5.09A.110(b) (2004) on November 14, 2006, in
22 violation of the general condition that defendant not commit another federal, state, or local
23 crime.

24 (7) Possessing oxycodone on November 14, 2006, in violation of the general
25 condition that he not illegally possess a controlled substance.


26 The defendant was advised of his rights, which he acknowledged, and admitted to

violations number (1) through (7).

I therefore recommend that the Court find the defendant to have violated the terms and conditions of his supervised release as to violations number (1) through (7), and that the Court conduct a hearing limited to disposition. A disposition hearing on this violation will be set at a time to be determined before the Honorable Marsha J. Pechman.

Pending a final determination by the Court, the defendant has been detained.

DATED this 5th day of June, 2006.


JAMES P. DONOHUE
United States Magistrate Judge

cc:	District Judge:	Honorable Marsha J. Pechman
	AUSA:	Ms. Susan Roe
	Defendant's attorney:	Mr. James Vonasch
	Probation officer:	Mr. Brian Rogers